

MINUTES
City of Newport Planning Commission
Regular Session
Newport City Hall Council Chambers
February 13, 2023

Planning Commissioners Present: Bill Branigan, Jim Patrick, Bob Berman, Braulio Escobar, Jim Hanselman, and John Updike.

Planning Commissioners Absent: Gary East (*excused*).

City Staff Present: Community Development Director (CDD), Derrick Tokos; and Executive Assistant, Sherri Marineau.

1. **Call to Order & Roll Call.** Chair Branigan called the meeting to order in the City Hall Council Chambers at 7:00 p.m. On roll call, Commissioners Branigan, Patrick, Hanselman, Berman, Escobar, and Updike were present.

2. **Approval of Minutes.**

A. **Approval of the Corrected Planning Commission Work Session Meeting Minutes of January 23, 2023.**

MOTION was made by Commissioner Berman, seconded by Commissioner Patrick to approve the previously approved Planning Commission Work Session meeting minutes of January 23, 2023 with minor corrections. The motion carried unanimously in a voice vote.

B. **Approval of the Planning Commission Regular Session Meeting Minutes of January 23, 2023.**

MOTION was made by Commissioner Berman, seconded by Commissioner Patrick to approve the Planning Commission Regular Session meeting minutes of January 23, 2023 with minor corrections. The motion carried unanimously in a voice vote.

3. **Action Items.**

A. **File 5-CUP-22: Final Order and Findings of Fact.**

MOTION was made by Commissioner Patrick, seconded by Commissioner Updike to approve the final order and findings of fact for File 5-CUP-22. The motion carried unanimously in a voice vote.

4. **Public Comment.** None were heard.

5. **Public Hearings.** At 7:02 p.m. Chair Branigan opened the public hearing portion of the meeting. He asked the Commissioners for declarations of conflicts of interest, ex parte contacts, bias, or site visits. None were heard. Branigan called for objections to any member of the Planning Commission or the Commission as a whole hearing this matter; and none were heard.

A. File 5-Z-22 (Continuation): Public Hearing on Draft Ordinance No. 2202 – Short-Term Rental Work Group Recommendations:

Tokos reminded the Commission this was a continuation of the January 9, 2023 public hearing to consider the Work Group's recommendation. The Work Group recommended establishing a grace period for individuals or entities that purchase vacation rental properties so they can rent the property while working through the process to obtain a license; codifying the process the City is using to administer the waiting list for the issuance of short-term rental business license endorsements; tightening up code violation language by noting that any act occurring on real property that results in a civil infraction, be it related to the short-term rental or not, is a 'strike' against the owner's short-term rental endorsement; and eliminating the option in the ordinance that allowed the City Council to adjust the cap on the number of available vacation rental licenses by resolution.

Opponents: Cheryl Connell addressed the Commission. She stated she was on the ad hoc committee that ended in 2018. Connell submitted written testimony at the first public hearing date and read through her letter. She didn't want the grace period to be approved and wanted all short-term rentals (STRs) that were both inside and outside of the zone to count toward the cap number of 176.

Branigan asked for deliberations by the Commissioners on the proposed changes to see what they wanted to include in the recommendation to the City Council.

Udike was comfortable with the package as it was presented.

Berman thought they should add a provision that made a criminal infraction be a strike, not just a civil infraction. He thought if a more serious incident occurred that was a criminal infraction it should be a strike against the STR. Escobar thought it was easier to identify a civil infraction than a criminal infraction and asked if it was necessary. Udike pointed out that there were things that happened that were criminal that weren't STR related. Berman thought criminal infractions on a property were something significant. Escobar questioned if something like an act of domestic violence that happened out of the blue at a STR was something the owner should be penalized for. Hanselman thought it seemed like neighbors had the most issues with people who were renting the residences, and it was seldom the owner that created an issue for the neighbors. He thought it didn't matter if it was civil or criminal. If it required intervention by law enforcement it should be a strike. Patrick pointed out that if a neighbor who didn't like a STR started a fight with their renter, and it became a criminal infraction, the owner would get punished. He thought they had enough problems with the civil infractions without adding the criminal. Patrick was concerned this would come back to bite them in the future. Tokos explained that civil was a real property related issue and easier to sync up with short term rental use and tie to the owner. Criminal was more about the individual, which the owner had no control over. Escobar asked how many STRs had strikes against them. Tokos didn't know the total number but thought it was a reasonably small number. Escobar thought they should leave this alone and only add civil infractions as a strike. Berman wanted it changed to civil and criminal.

MOTION was made by Commissioner Berman to change the wording from civil infraction to civil and criminal infraction. No second was heard. The motion failed.

Escobar reminded that the Work Group had two Council members on the group, a representative from the STR industry, a public member, and former Mayor Roumagoux. He didn't like their first recommendation to allow a new owner to operate before they got a license. Escobar noted an inspection needed to be done in order for a new owner to get license. He had a problem with businesses operating without a license, and thought they should allow the new owners to apply for a license before the property sale was complete. Berman pointed out that only the current owner could apply for a license. Tokos explained that new owners of STRs with transferable licenses would typically have the STR inspected when they came in to seek their own endorsement license. He reminded the previous owners had already had their STRs inspected and approved in order to obtain a license. Patrick pointed out the things that were inspected in the STRs generally didn't change over the years. Tokos explained the value of the inspections were so the new owners were educated of the importance of the safety measures to operate a STR. Escobar thought this reinforced the idea that they shouldn't operate until they had a license.

Branigan stated he supported the recommendations.

Hanselman reported he had similar issues that Escobar and Berman had. He didn't like the lack of a license and the strike issue. Hanselman liked the fact that the recommendation set a hard cap of 176 and removed the possibility of changing that number. He also thought they should count all the STRs toward the 176 regardless of if they were inside or outside the overlay. Hanselman stated that he would support the recommendations with some reservations.

MOTION was made by Commissioner Escobar, seconded by Commissioner Hanselman to move forward the recommendations with the exception of the grace period. Commissioners Patrick, Hanselman, Berman, Updike were a nay. Chair Branigan recused himself. The motion failed.

MOTION was made by Commissioner Patrick, seconded by Commissioner Berman to move the recommendations to the City Council as written. Commissioner Escobar was a nay. The motion carried in a voice vote.

Patrick wanted the City Council to take a look at this again in five years and have the Commission revisit it. Berman wasn't sure it was appropriate to pinpoint this to be done by the Commission. He thought the City Council should initiate another ad hoc committee to review this in another five years. Patrick didn't wanted to recommend another ad hoc committee review it. He thought the review should be to see if it needed another ad hoc committee.

MOTION was made by Commissioner Patrick, seconded by Commissioner Escobar to recommend the City Council review the effectiveness of the ordinance in five years to determine if it needed further review. Commissioner Hanselman was a nay. The motion carried in a voice vote.

Tokos thought this might be an opportunity for the Council to work the recommendation into their goals. He thought if it was on their list it would help keep it on their radar.

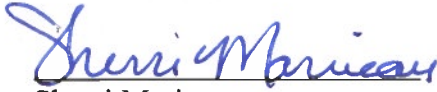
6. **New Business.** None were heard.

7. **Unfinished Business.** None were heard.

8. **Director Comments.** Tokos reminded there was reception for Jim Patrick on February 27th to say goodbye after 18 years on the Commission. Marjorie Blom had been appointed as a new Commissioner effective the next meeting. Hanselman extended his thanks for Jim Patrick's service.

9. **Adjournment.** Having no further business, the meeting adjourned at 7:43 p.m.

Respectfully submitted,



Sherri Marineau
Executive Assistant